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December 8, 2005

Hand Delivered

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423

Kevin M. Sheys
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ksheys@klmg.com



**Re: Finance Docket No. 34793, New Mexico Department of Transportation –
Acquisition Exemption – Certain Assets of the BNSF Railway Company**

Dear Secretary Williams:

Enclosed for filing in the above-captioned proceeding are the original Class III Certification and Verification signature pages for the **Verified Notice of Exemption of New Mexico Department of Transportation** pursuant to 49 C.F.R. § 1150.31 and the **New Mexico Department of Transportation Motion to Dismiss Notice of Exemption**.

Please contact me if you have any questions regarding this matter. Thank you.

Respectfully submitted,

Kevin M. Sheys
Attorney for New Mexico Department of
Transportation

cc: Reynold E. Romero, General Counsel

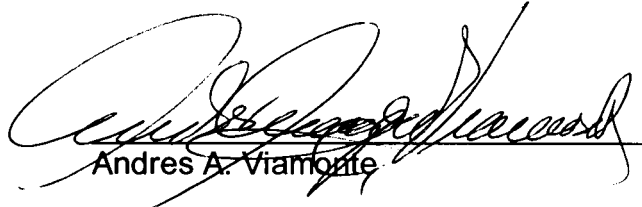
Exhibit B
CERTIFICATION

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State of New Mexico)
)
County of Santa Fe) SS:

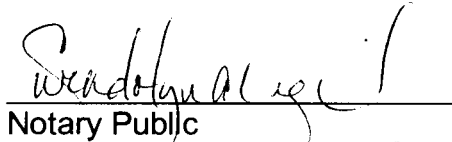
Andres A. Viamonte, being duly sworn, deposes and says that he is the Deputy Secretary - Programs and Infrastructure of the New Mexico Department of Transportation ("NMDOT"), and that to the best of his knowledge, information and belief:

NMDOT's projected freight revenues as a result of the transaction will not result in the creation of a Class II or Class I rail carrier so as to require processing under § 1150.45.

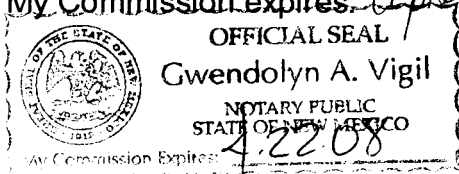

Andres A. Viamonte

SUBSCRIBED AND SWORN to

Before me this 30th day of November, 2005


Notary Public

My Commission expires: April 22, 2008



ENTERED
Office of Proceedings
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Public Record